

ADULT AND SENIOR CARE UPDATE



WINTER 2012

This is the Winter edition of the **Adult and Senior Care Update**. Our goal is to provide you with timely and relevant information about issues that affect adult and senior care licensed facilities. We hope you will take time to review the *Update* and share it with members of your organization, as well as with others interested in adult and senior care issues.

NEW SUPPLEMENTAL SECURITY INCOME/ STATE SUPPLEMENTARY PAYMENT AND NON-MEDICAL OUT-OF-HOME CARE PAYMENT STANDARDS FOR 2012

New Supplemental Security Income /State Supplementary Payment rates become effective January 1, 2012. The new rates reflect a 3.6 percent federal cost of living increase to the SSI portion of the benefit. A chart showing the new estimated SSI/SSP payment standards is attached, along with a second chart showing the new non-medical out-of-home care payment standards. This information can be accessed through the Community Care Licensing Division (CCLD) website at: <http://cclcd.ca.gov/res/pdf/11apx09.pdf> and <http://cclcd.ca.gov/res/pdf/11apx10.pdf>. If you have questions regarding these new rates, please contact Cynthia Yates with the Adult Programs Division at (916) 651-0551.

CIVIL PENALTY UPDATE

Assembly Bill (AB) 978 (Benoit, 2008) created a civil penalty structure that would focus on the most serious violations. The product is a new LIC Form 421 series that addresses the civil penalties in a clear and concise manner.

Standardized Procedures—The Evaluator Manual was updated to include a new section devoted to the immediate \$150 civil penalties prescribed in AB 978. For more information visit Section 1-0070 of the EM at: <http://cclcd.ca.gov/Res/pdf/Enforcement/pdf>.

Training—state wide training of the field staff was completed during the month of June 2011. The result of this effort is standardized procedures, revised forms and a staff of Licensing Program Analysts trained to use this enforcement tool in a fair and consistent manner.

ADULT AND SENIOR CARE PROGRAM REORGANIZATION ANNOUNCEMENT!



The Adult and Senior Care Program (ASCP) is excited to announce that it will be reorganizing over the course of the next several months to add flexibility and efficiency to its field operations. This means that ASCP staff will have assignments that may include all of the facility categories under the jurisdiction of ASCP, which includes Residential Care Facilities for the Elderly, Adult Residential Facilities, Residential Care Facilities for the Chronically Ill, Social Rehabilitation Facilities, Adult Day Programs, and Adult Residential Facilities for Persons with Special Health Care Needs.

The implementation of this reorganization will occur gradually over the next several months. The Regional Offices have been sending out two Licensing Program Analysts (LPA), or one LPA and one manager, to conduct most inspections. This provides for hands on training and experience to ASCP staff in licensing categories which may be new to them. ASCP staff are also participating in other trainings to ensure that all staff have

competency in all of the ASCP licensing categories. The current Adult and Senior Care Regional lines will also be redrawn as part of this reorganization but none of the Regional Offices will be moving or closing. A map will be available on our website soon. The new regional lines may affect which Region facilities are located. Licensees may also be assigned a different LPA as part of this reorganization. These details are still under development but the ASCP will continue to keep you updated through the Quarterly Newsletter until the reorganization is fully implemented in early 2012. For more information see: <http://cclcd.ca.gov/PG2860.htm>.

UPDATES TO THE EVALUATOR MANUAL

Public records—the Information Practices Act of 1977 and the California Public Records Act define the rights of citizens to have access to information collected, used, and maintained by virtually all State Agencies. The Community Care Facilities Act requires that reports on the results of each licensing inspection, evaluation, or consultation regarding the facility shall be kept on file and all reports shall be open to public inspection. There is no exemption in the Public Records Act for applications (even prior to licensure). For more information visit Section 2-6000 of the Evaluator Manual (EM) at: <http://cclid.ca.gov/res/pdf/OfficeFunctions.pdf>.

Continuing Care Retirement Community (CCRC)—this section provides guidelines to Licensing Program Analysts when evaluating Residential Care Facilities (RCFEs) and residential living units that are part of CCRCs. It explains differences between the two types of facilities and who has oversight.

CCRCs can expand property in which it can be added to the existing RCFE license if all services can still be reasonably provided at the new property. For more information visit Section 3-0966 and 3-0968 of the EM at: <http://cclid.ca.gov/res/pdf/Application.pdf>

Eviction notice—licensees of RCFEs must document in detail all the reasons and specific facts for an eviction. In addition, they must state in the eviction notice the required language pertaining to filing an unlawful detainer action in superior court and receive a written judgment signed by a judge. If the facility pursues the unlawful detainer action, the resident will be served with a summons and complaint. For more information visit Section 87224 of the EM at <http://cclid.ca.gov/res/pdf/RCFE.pdf>

DEPARTMENT OF JUSTICE CUSTODIAN OF RECORDS REQUIREMENT

Senate Bill 447 (Statutes of 2009) amended Penal code section 11102.2 that required agencies who receive criminal offender record information (CORI) to appoint a custodian of records. It was brought to our attention recently that licensees were receiving notification from the Department of Justice (DOJ) stating that each licensee was required to appoint a custodian of records for their facility.

Community Care Licensing wrote a letter to DOJ requesting an interpretation of this new law stating that licensees are not considered “agencies” that receive criminal history information. DOJ recently responded and confirmed that this new requirement was never intended to apply to licensees of community care facilities. The Department of Social Services, CCLD is the agency that receives CORI and must have a custodian of Records, NOT licensees of community care facilities.

If licensees continue to receive notification that they are required to appoint a custodian of records for their facility, please contact the DOJ at the information listed on their website. Please see the attached link specifically for the custodian of records:
<http://ag.ca.gov/fingerprints/custodian.php>.

REMINDER TO OBTAIN INFLUENZA VACCINATION

As we enter the fall flu season, the Centers for Disease Control (CDC) recommend a yearly full vaccine in protecting against this serious disease. Flu activity most commonly peaks in January or February. However, seasonal flu activity can begin as late as May. The CDC has information about the 2012 influenza season, vaccination recommendations and disease activity. For more information visit:
<http://www.cdc.gov/flu/about/season/>.

RESIDENTIAL CARE STATISTICS

All of the statistics for licensed adult and senior care facilities are available online. When you visit the new CCLD home page at <http://www.cclld.ca.gov>, please click on the "Facility Facts" tab at the top of the page. Click on the "Licensing Statistics" link on the center of the page that appears. Then, click on the desired "State Licensed Facilities by Geographical Area" link on the center of the page. Directories can also be obtained from your local licensing office.

SUMMARY

If you have questions about this *Update* or suggestions for future topics, please contact Gloria Merk, Acting Chief of the Technical Assistance and Policy Branch, at (916) 651-3456. Please visit our website at www.cclld.ca.gov for copies of *Updates*, office locations, provider letters, regulations, or to learn more about licensing services.

Sincerely,

Original signed by Kathi Mowers-Moore for

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division